Previous references.

1905.

(III Courts)

File No. 122-05

Serial Nos. 1–4.

Later references.

Cntd 5+6

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–4

Part B. for December 1905

SUBJECT.

The raising of the permanent advances in the hands of the Central Nazirs at Mysore & Bangalore & the Dy Nazir at Seringapatam

FILE No. 122 of 1905-06.

The raising of the permanent advances in the hands of the Central Nazirs at Mysore and Bangalore and the Deputy Nazir at Seringapatam.

1 From the Registrar of the Chief Court of Mysore, No. 2331—109, dated the 21st October 1905.

Recommends that for reasons stated the permanent advances in the hands of the Central Nazirs at Mysore and Bangalore may be raised to 900 and that of the Deputy Nazir of the Seringapatam Munsiff's Court to Rs. 300 without enhancing the security amounts.

2 To the Registrar of the Chief Court of Mysore, No. J. 1531—C. 122-2, dated the 28th November 1905.

Forwards a copy of the views expressed by the Comptroller in the matter and enquires if the Judges have any objection to adopt the course suggested by the Comptroller.

3 From the Registrar of the Chief Court of Mysore, No. 4381—168, dated the 7th December 1905.

States that there is no objection to the course suggested by the Comptroller being adopted and tried as an experimental measure.

4 To the Registrar of the Chief Court, the Comptroller to Government, and the District Judges of Mysore and Bangalore, Government Proceedings No. J. 1785-8—C. 122-4, dated the 28th December 1905.

Sanctions the increase, as an experimental measure, of the permanent advance of the Deputy Nazir at Seringapatam, the security furnished by him being also increased; observes that no increase in the permanent advance at the hands of Central Nazirs of Mysore and Bangalore is at present called for: proposes certain arrangements, as an experimental measure, to furnish the Central Nazirs in question with funds when their permanent advance is actually exhausted and requests that a report on the working of the arrangement should be reported at the end of 1906.

G.

Government Order No. 2038—C/56-2, dated 25th Jan. 05.

G. R. S. 11] 1905-06

GENERAL AND REVENUE SECRETARIAT

(Courts)

NOTES.

File. No /22

FILE HEADING.

The raising of the permanent advances in the hands of the Central Nazirs at Mysore & Bangalore & the Deputy Nazir at Seringapatam.

From

The Registrar of the Chief Ct. of Mysore

No. 2331/105 Dated 21/10/05 Received 23/10/05

Diary No. 5386 Enclos. Spare Copies. — Serial No.

BRIEF ABSTRACT OF LETTER.

Recommends that for reasons stated the permanent advance in the 1st two cases may be raised to Rs 500/- & in the 3rd case to Rs 300/- with such increasing their sanctioned amount of the Central Nazirs being allowed to have the use of Rs 600, & to take advances when necessary, out of the balance of Rs 300/- on cheques drawn by the District Judge.

NOTES AND ORDERS.

The reason for the recommendation has been assigned. Submitted for orders.

26/10/05 SF

Was there no a representation on the subject at the recent Rep: Asso.? Look up my notes please.

26/10/05

Notes—First sheet.

MGCPB—30,000—17-2-05.

G.R.S. 12]
General and Revenue Secretariat.

File No. 122 of 1905

Serial No.

3 Mr C. Ranga Iyengar of the Mysore Municipality
has urged that the imprest allowed to the
Nagar viz Rs 5000/- was insufficient and
stands in the way of proceeds being
served promptly.

4. The Government have replied that
the proposals of the Chief Ot will be awaited
30/10/05 31/10/05

5. It seems desirable to consult
the Comptroller on the present proposal.
Lee
31/10/05

6 Forwarded to the Controller for
favor of opinion 31-10-1905
C. Venkata Rao

J. U. C. No 5
1. 11. 05

COMPTROLLER'S OFFICE
NOV. 2 - 1905
MYSORE

No 679 1-11-05.
Lee

A Permanent advance is an im-
prest allowed to a Government disburs-
ing officer to be retained by him perma-
nently for meeting Government expe-
which can not be avoided payment after
withdrawal from treasury on regular
bills.

8 It does not appear from the letter
under consideration & specially from the
last paragraph of it that in the present
case a Permanent advance is really
required

NOTE.—Contn. sheet.

MGCPB—50,000—17-2-05

Serial No.

9 It is not clear that there have been many cases in which there was no balance to meet urgent requirements and all that seems required is not a permanent advance for all time but some arrangements to place the Nazir in funds on the rare occasions when this permanent advance being actually exhausted.

10 The above view of the case is supported by the statement in the last paragraph of the letter that portions of the increased permanent advance must be returned to the Treasury when the cash balance with the Central Nazir proves to be too high. If this is done, the advance ceases to be a Permanent Advance.

11 I think therefore that the proper course in this case will be for Government to decide that to provide for special occasions when in the pressure of process service business the ordinary Permanent advance with the Central Nazir is exhausted, the District Judge Bangalore & Mysore may obtain on cheques special advances from

NOTE.—Contn.* sheet.

MGCPB—50,000—17-2-05

G.R.S. 12]

General and Revenue Secretariat.

File No. 122 of 1905

Serial No.

the Treasury up to a total of Rs 400. The amounts will be treated by the Treasury as "Special Temporary advances for process service" and will be so adjusted by the Comptroller. The District-Judges should see that these temporary advances or portions of them are repaid into the treasury whenever the Cash balance in the Central Nazir's hands admits of it. The Treasury should also see that at no time the ~~balance of the~~ net balance of these temporary advances at debit of a district Judge exceeds Rs 400. To prevent any ~~mistake~~ misclassification in the treasury ~~the~~ every cheque for a Special advance should be accompanied by a separate requisition and the repayments should be accompanied by challans stating the head of credit.

12 As regards the Dy Nazir Seringapatam I think it will not be too hard to raise his security from Rs 250 to Rs 300 and if this is done, there need be no objection to the permanent advance being raised from Rs 200 to Rs 300.

Secretary.

4.11.05

NOTE—Contn. sheet.

MGCPB—50,000—17-2-05

5

Serial No.

13 Mr Bourdillon's suggestions seem reasonable and should be adopted. Let a draft letter be prepared in accordance with the suggestions. 7-11-05

14 Draft submitted. 8.11.1905

Draft approved. 13/11/05 13/11/05 Let it issue. 13.11.05

15 Draft submitted to the Devan Saheb thro the 1st Councillor 14.11.1905

727 14.11.1905

16 There is a letter complaining that the advances allowed to the Tehsildars of Bangalore and Kolar, & the Dy Naib at Kempabalam, are wholly insufficient and that the Kudumbanadar's proceeds for service is often delayed for want of money. In the former case the advances is proposed to be raised from Rs 500 & Rs 600 & in the latter from Rs 200 & Rs 300 respectively, having the recommendations of the officers concerned. I think the Chief Secretary may

(X) 600 always + 300 special temporary 900

recommendation may be sanctioned - If I understand the correspondence aright, the only difference between the Chief Court's proposal & the Comptroller's opinion is this: (1) the Chief Court: 600 to be the maximum advance in the case of Central Negri & 300 ℔ be a special temporary advance: Per Comptroller: 500 & 400 respectively; & (2) Per Chief Ct, Kemuyah Salam Dig Negri 6 Loans Rs 300 without furnishing addl security; Per Comptroller ditto but addl security should be demanded - The difference is slight & I think the Chief Court has made out a good case & should not be overruled. Draft may be altered accordingly - CF

15/11/05

15/11/1905

G.R.S. 12]

General and Revenue Secretariat.

File No. 122 of 1905

Serial No.	
	17 Superintendent of Police Mallery should intimate the views of the Complainer to the Magistrate and hear if they have any objection to adopt that course
	17.X.05 Asst Supt and 5.11.1905
	19 Asst Supt 28/11/05 2° Saxon 28/11/05 23.11.05
2	To the Registrar of the Chief Ct of Mysore No. J 1531 of the 28th Nov 1905:
	Forwards a copy of the opinion expressed by the Complr in the matter and enquires if the Judges have any objection to adopt the course suggested.
3	From the same office No. 4381/168 of 7/12/05
	States that there is no objection to the course suggested by the Complr being adopted & tried as an experimental measure.
	Supt 21 The Dewan Sahib wants this information 13/12/05 13/12/05 13.12.05 Submitted to the Dewan Sahib Hero Chr
	Secretary 13-12-1905

29/11/05

951/13-12-1905

NOTE.—Contn. sheet.

MGCPB—50,000—17-2-05

G.R.S.12]

General and Revenue Secretariat.

File No. 122 of 1905/1906

Serial No.

23 Instead of 600 + 300, the Comptroller suggested 500 + 400. The difference is more nominal than real & the Chief Court are agreeable.

24 The Serinjabalam Dy Nazir is to have 300 instead of 200. The Chief Court proposed that no additional security need be demanded from him. The Comptroller observes & rightly that it would not be too hard on him to have his security from Rs 250 to Rs 300. This was one of the points referred to the Chief Court which however have not at all touched upon it in their present letter. Nevertheless it has no objection.

25 As suggested by the Chief Court, the Comptroller's proposals may be adopted and tried as an experimental measure. A

14.12.1905 10329 14/12/05

14.12.1905 26 yrs

10278 15/12/05

16.XII.05

27 Draft accd

15.12.1905

14/12/05

NOTE.—Contn. sheet.

MGCPB—50,000—17-2-05

G.R.S. 12]

General and Revenue Secretariat.

9

C File No. 122 of 1905

Serial No.

26 The Draft Act had been once put up is submitted with necessary Corrections

28/12/05 29 Passed 22-12-1905

Draft Issued

4 Jail Proc. No. J 1785-8/C 122-4 & the 28th December 1905. to the Registrar of the Chief Ct. the Comptroller of Jails, & the Distt Magistrate Bangalore & Mysore.

From the Registrar of the Chief Ct of Mysore No. 4745/18 & 23/12/05

Requests early advice on the Mysore of the Chief Ct in the matter Subd

30 As a reply has been issued, the present reference will be deposited

28/12/05 31 28.12.05

B Recd 28/12/05

Note—Contn. sheet.

MGCPB—20,000—1-11-04.

J 936

Bangalore.

21st October 1905.

From,

V.A.Rajaratna Mudaliar Esquire,

Registrar, Chief Court of Mysore.

To,

B.K.Venkatavaradiengar Esquire,

Secretary to the Government of Mysore,

General and Revenue Departments.

Sir,

I am directed to state that the District Judges of Mysore and Bangalore have represented that the permanent advance of Rs.500 placed at the disposal of each of the Central Nazirs of those places has been found to be inadequate to meet the requirements of the heavy work of the said Nazarat establishments.

2. A similar representation has also been made on behalf of the Deputy Nazir of the Munsiff's Court at Seringapatam which also has an exceptionally heavy file and the permanent advance of Rs.200 of which has been found inadequate.

3. The cash accounts of the Central Nazir at Bangalore have been subjected to a minute examination and the result is that it is found he has had at no time anything like an adequate working balance in spite of the fact that he has been promptly and repeatedly submitting bills and recouping his permanent advance under Rule XVIII of the Nazarat Rules as soon as the limit of Rs.50 against each Court is reached and that none of the process servers have delayed the return of unexpended batta amounts.

4. The statement furnished by the Central Nazir at Bangalore shows that since 20th July 1905 he has not had on any date a balance of more than Rs.66 out of the sum of Rs.500 advanced to him and that on 11th September he had no balance

to

to issue processes on hand.

5. For a Deputy Nazir with only one Civil Court a permanent advance of Rs.200 is allowed. But at Bangalore and Mysore there are three Munsiffs' Courts, one Sub-Court and one District Court and the number of process servers is about 50. Of these 20 may be considered to be always out. Each person is sent out with processes carrying a witness batta of about Rs.20 to 40 and it may be safely calculated that not less than 300 to 400 Rs. have to be advanced to the peons, while the amount outstanding against Courts till it is ripe for submission of bills may amount to about Rs.150 to 200. From these facts it is evident that the sum of Rs.500 advanced to the Central Nazirs at Mysore and Bangalore is insufficient and that the advance should, as far as possible, be fixed with reference to the number of Courts.

6. I am therefore to recommend that the permanent advance in the hands of the Central Nazirs of Bangalore and Mysore may be raised to Rs.900 each and that of the Deputy Nazir of the Seringapatam Munsiff's Court to Rs. 300.

7. I am to add further that these amounts may be sanctioned without increasing the amount of security which the Central Nazirs have to furnish under Rule IV of the Nazarat Rules, because in the first place the whole of the said amount will never be in the Central Nazir's hands but a greater part of it will be with amins and process peons who have also furnished securities and in the second place, the total arrears for which Central Nazir can, at any time, be responsible can never exceed the amount of his security viz: Rs.500. The security of the Deputy Nazir of Seringapatam (Rs.250) need not be raised either.

8. It is also proposed to order as a safeguard that the Central Nazir should ordinarily have the use of only

Rs.

Rs.600 and that they should obtain special advance out of the remaining Rs.300 on cheques drawn by the District Judges when necessary and that the District Judges should see that such extra sums withdrawn should be returned to the Treasury when the cash balance in the Central Nazir's hands admits of it.

I have the honor to be,

Sir,

Your most obedient servant,

Registrar.

G.R.S. 26]

File No. 122
Serial No 2

Diary No. of letter replied to _____

No. J 1531
dt 28.11.05 En 1

General and Rev. Secretariat
(Courts)
the 190

To

The Registrar of the Chief Court of Mysore

Date of issue 28.11.05

Signed by M.B. Ramaswamy Aiyengar

Sir,

With reference to
I am directed to acknowledge the receipt of your letter No. 2331/109 dated the 21st October 1905, recommending that the permanent advance in the hands of the Central Nazirs of Bangalore & Mysore may be raised from Rs 500/- to Rs 900/- and that of the Deputy Nazir of the Seringapatam Municipal Court from Rs 200 to Rs 300/- without increasing their security amounts.

2. In reply, I am to observe that a permanent advance is an imprest allowed to a Govt. Officer

I am directed to forward for the information of the Judges of the Chief Court a copy of the opinion expressed by the Comptroller & the Govt. on the subject and to enquire if they have any objection to adopt the course suggested by the Comptr.

I have &c
23.11.05 for Secy

SUBJECT.

The views entertained by the Govt. in this case cannot be accepted as correct. The views of the Govt. are explained in the Comptroller's letter No. 1531 dated 28.11.05 from which a copy is forwarded herewith for information.

By order
23/11
Secy

Copied 28.11.05

Examined

officer to be retained by him permanently,
for meeting such expenditure, which
cannot await payment after with-
drawal of money from the Treasury
on regular bills, and that, as it
appears from the last paragraph of
the letter under reply that patients'
of the increased advance would be
returned to the Treasury when the
Cash balance with the Central
Nagpur proves to be too high and
as such the advance will cease to
be a permanent advance and that,
as it does not appear that there
have been many cases in which
there was no balance with the Central Nagpur to meet
urgent requirements, all that
is required seems to be not an increase
of the permanent advance, but some
arrangement by which the Nagpur may
be placed in funds on the rare
occasion of their permanent advance
being actually exhausted.

3. In these circumstances,

List of enclosures,

Copied by

Examined by

MGCPB—20,000-19-12—04.

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

6

I am to state that it seems sufficient to authorise the Dist. Judge of Bangalore & Mysore to obtain on cheque special advances from Treasury up to a limit of Rs 400/- when in the pressure of process service, the ordinary permanent advance with the Central Nazir is exhausted, the amounts (being treated by the Treasury as "special temporary advances for process service" and being so adjusted by the Comptr. The District Judges may be asked to see that these advances or portions of them are repaid into the Treasury whenever the cash balance of the Central Nazir's hands admits of it. The Treasury may be directed to see that at no time the net balance of these temporary advances at debit of a District Judge exceeds Rs 400/-

4. I am accordingly to enquire whether the Chief Court have any objection to adopt the course above suggested & in case the permanent advance of the deputy Nazir of the Sessions Courts Mysore is found insufficient, to increase his Security amount also. I have &c

Secretary

N 4381/168 Cdi

J 1418

Bangalore 7 December 1905.

From,

The Registrar of the
Chief Court of Mysore

To,

The Secretary to the
Government of Mysore.
General and Rev: Depts

Sir,

With reference to your letter No J 1531/Jets 122- dated 28th November 1905 forwarding a copy of the note dated 4-11-05 by the Comptroller to the Government suggesting that, instead of increasing the permanent advances of the Central Nazirs to 90s Rs., the District Judges of three Divisions may be permitted to draw "Special Temporary advances for process services" up to a total of 400 Rs and enquiring whether there is any objection to the suggestion of the Comptroller, I am directed to state

III
sent
10-12-05

state that there is no objection
to the course suggested by the Comp-
troller being adopted and tried
as an experimental measure

I have the honorable,
Sir
Your most obedient Servant
A Ray Stedman
Registrar.

MG

9

(General Serial No. 30.)

1905
1895.

From M. Ramaswamy Iyer Esq B.A. B.L.
District Judge - Mysore

To V. A. Rajaratnam Mudr. Esq
Registrar of the Chief Court
of Mysore - Bangalore

Dated

Despatched 19th December 05

Received

Enclosures No.

General No. 1430

No. 280

Sir,

I have the honour to state that I personally examined the cash Register and the processes in hand with the Central Nazir Mysore and found that on the evening of the 16th instant the cash balance on hand was ~~Rs~~ 15-14-6 and that he had about 322 processes carrying a batta of ~~Rs~~ 654-4-0 which could not be distributed for want of funds.

I further ascertained from the subordinate Courts Mysore that a sum of ~~Rs~~ 2957-2-0 was held by the Nazirs of the Courts on account of witness batta on the evening of the 16th instant. The Central Nazir

re

represents and I have also satisfied myself by personal inspection every day that he has always on hand processes carrying a batta of more than 5 00 ~~Rs~~ notwithstanding the fact that bills are prepared whenever the expended amount comes up to 25 ~~Rs~~ and the unexpended batta is promptly recovered from the process fees. Representations have already been made to the Chief Court that the sum of ~~Rs~~ 5 00 held by the Central Nazir as permanent advance is quite inadequate and the honourable judges of the Chief Court expressed during their recent inspection of the Central Nazir's office, Mysore that early and favourable consideration will be given as to the increase of the permanent advance held by the Central Nazir. I therefore strongly suggest for the increase of the Permanent Advance held by the Central Nazir Mysore from ~~Rs~~ 5 00 to 1000 ~~Rs~~ and solicit that you will bring the matter before the judges of the Chief Court for their early and favourable consideration as prompt distribution of processes cannot be now effected for want of sufficient funds.

I have the honour &c.

(Sd) M. Ramaswamy Iyer
District Judge. Mysore Dn.

Copy"

~~By order~~

~~By Registrar~~

G.R.S. 28]

18

File No. 122

Serial No. 4

Diary No. of letter replied to _____

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Bonds)

, *the* 190

Date of issue 28/12/05

Signed by Mr. B Ramaswamy Aiyengar

READ.— Correspondence ending with Letter No. ~~2331~~ 4381/168 dated the ~~2nd Dec~~ 28th October 1905 from the Registrar of the Chief Court of Mysore ~~recommending~~ in the matter of ~~raising~~ the proposal to raise the ~~limit~~ of the permanent advance in the hands of the Central Nazirs of Mysore and Bangalore ~~now raised~~ from Rs 500 to Rs 500/- and that of the Deputy Nazir of the Srirangapatam Municipal Court from Rs 200 to Rs 300/- without increasing their security amounts. (~~Recd the letter noted in Margin~~)

ORDER THEREON.— No. Dr Recd:— J/1785-8

~~The~~ Government observe that the permanent advance is

over

SUBJECT

an imprest allowed to a Government disbursing officer to be retained by him permanently for meeting Government expenditure which cannot await payment after withdrawal of moneys ~~withdrawal~~ from Treasury on regular bills. ~~In this view~~ of the Case It does not appear from the letter of the Registrar of the 21 October 1905 under ~~consideration~~, and especially from the last paragraph of it, that a permanent advance is really required in the Cases of the Central Nazis abovementioned. ~~However, it is not clear that there have been many Cases in which there are no balance to meet urgent requirements paid.~~ All that seems required is ~~not a permanent advance for all time, but some~~ arrangement by which the Nazis maybe placed ~~in~~ given their funds ~~in the event of his~~ permanent advance ~~being~~ actually exhausted.

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

The above view of the case is also supported by the statement in the last paragraph of the letter under advance that portion of the increased permanent advance would be returned to the treasury when the cash balance with the Central Nazir rose to be too high. If this is done, the advance ceases to be a permanent advance

~~2. Under these circumstances the Government think that this~~ is apparent to ~~does not authorise~~ the District Judge of Pyore and Bangalore may obtain a cheque special temporary advance from the treasury up to a limit of Rs 1000/- when in the pressure of process service the ordinary permanent advance with the Central Nazir is exhausted. ~~The District Judge are accordingly so authorised~~, the amounts drawn by them being treated by the treasury as "Special temporary advance for process service" and being so adjusted by the Comptroller. The District Judge ~~are requested~~ must be asked to see that these temporary advances or portions of them are repaid

2. The Government are pleased to sanction the following arrangements,

As an experimental measure

into the Treasury whenever the Cash balance in the ~~cash~~ hands of the Central Nazir admits of the same being done. ~~The officer of~~ ~~the District at Mysore & Bangalore~~ ~~which the advance is drawn~~ The Treasurer concerned should, on their part, see that at no time the net balance of these temporary advances at debit of a District Judge exceeds Rs 4,000/-. To prevent any misclassification in the treasury, every cheque for a special advance should be accompanied by a separate requisition and the repayments should be accompanied by Challans stating the head of credit. ~~The Comptroller to Govt is requested to give instructions to the Treasurers Concerned accordingly~~

As an experimental measure

3. The permanent advance of the Deputy Nazir of the Seringapatam Munsiff's Court is raised from Rs ~~250~~ 300 to Rs 300/- subject to the security ~~of the~~ from sheristadar being ~~also~~ raised from Rs 250 to Rs 300/- ~~This arrangement will also be temporary~~

4. A report should be submitted on the result of the experiment at the end of 1906.

Print 1/12/1905

14.11.1905

Secretary

2/12/1905

To the Registrar of the Chief Ct.
The Comptr to Govt
The District Judge of Bangalore
for report.

MR 13/11/05 SN 13/11/05 SN 18/11/05

Copied 28/12/05 Examined 28/12/05 SN 28/12/05

2.12.1905

Secretary.